



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

October 8, 2014

President Barack Obama
The White House
Washington, DC 20500

Dear Mr. President:

After a wave of judicial decisions in support of same-sex marriage, I urge you to act swiftly to grant full and equal treatment under federal law to married same-sex couples, including with respect to Social Security and Veterans' benefits.

It has been over a year since the Supreme Court's historic decision in *United States v. Windsor*, which struck down Section 3 of the Defense of Marriage Act (DOMA). I was very pleased that, through diligent efforts coordinated by the Justice Department, the Administration implemented this decision by ensuring that, for the most part, marriages are recognized if they were valid where performed.

However, in June 2014, the Justice Department concluded that two agencies – the Social Security Administration and the Department of Veterans Affairs – are prohibited by federal law from recognizing some marriages, depending on where the couple lived at different times. Thus, married same-sex couples who paid into the system like everyone else, or who served in the military, continue to be denied the equal benefits they have earned.

In my view, the wave of decisions holding that states' bans on same-sex marriage are unconstitutional means that this unequal and unfair treatment cannot continue.

The Supreme Court this week let stand binding precedent from the Fourth, Seventh, and Tenth Circuits finding that several states' bans on same-sex marriage are unconstitutional. The Court had put these decisions on hold while it considered requests for review, but this week the Court allowed these decisions to be implemented. The Court's action will likely increase the number of states that allow same-sex marriage from 19 to 30 very quickly.

Then, just yesterday, the Ninth Circuit ruled that bans on same-sex marriage in Idaho and Nevada are unconstitutional as well. This decision will likely expand the number of states that allow same-sex marriage to a total of 35.

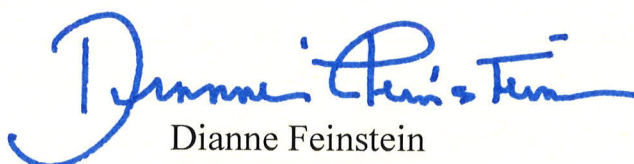
This wave of new legal precedent, begun by *Windsor*, sends a clear message that marriage discrimination against same-sex couples cannot continue any longer.

Beyond ensuring that same-sex couples can marry and have their marriages recognized, this precedent has major significance for federal benefits cases. If a state law barring same-sex marriage is unconstitutionally discriminatory, so too is a federal law that gives effect to such discrimination in the allocation of benefits. Thus, gay and lesbian couples would likely prevail in lawsuits against the Social Security Administration, the Department of Veterans Affairs, or other federal agencies that do not recognize their lawful marriages.

In my view, there is no need to put these families through the difficulties of litigation, nor should the federal government waste scarce resources, including attorneys' fees, fighting a futile effort to deny these families fair treatment.

I therefore ask that your Administration act quickly to grant full and equal treatment under federal law to legally married same-sex couples, particularly in the context of Social Security and Veterans' benefits.

Sincerely,

A handwritten signature in blue ink, reading "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being particularly prominent.

Dianne Feinstein
United States Senator